



# City of Carmel

## **CARMEL PLAN COMMISSION** **March 21, 2006**

The regularly scheduled meeting of the Carmel Plan Commission met at 6:00 PM on March 21, 2006 in the Council Chambers of City Hall, Carmel, Indiana. The meeting opened with the Pledge of Allegiance.

Members present were: Jerry Chomanczuk; Leo Dierckman; Wayne Haney; Kevin Heber; Mark Rattermann; Rick Ripma; Carol Schleif; Madeleine Torres; and Susan Westermeier, thereby establishing a quorum.

The Minutes of the February 21, 2006 meeting were approved as submitted.

Department Staff in attendance: Mike Hollibaugh, Director; Matt Griffin, Adrienne Keeling, Christine Holmes, City Planners. Also in attendance: John Molitor, Legal Counsel.

- F. Legal Counsel Report, John Molitor. Two pieces of legislation were passed this year—one of them relates to the ability of the Board of Zoning Appeals or the Plan Commission to cause non-conforming signs, off-premises signs, etc. This new proposal will be discussed with the Department Staff—there may be some Ordinance changes in respect to this issue. The other piece of legislation returns the law to the way it was before the “Pinnacle Media” billboard case came down in Marion County; this legislation requires that proposals would generally be entitled to be considered under the Ordinances in effect at the time they are filed.
- G. Reports, Announcements, & Department Concerns, Matt Griffin: There are three tabled items this evening: Item 1h, Guerrero PUD; 2h, Huntington National Bank; and 1i, Fortune Rezone. All three items will be heard at next month’s meeting, April 18, 2006.

There are some additions to tonight’s Agenda: Item 6h, Old Meridian Place Rezone; 2i, Old Meridian Special Building; 3i, Old Meridian Place Rezone (a separate rezone) and item 5i that is the Patch VI Ordinance Amendment.

Lastly, the Department is requesting that the Agenda be re-ordered to allow 6h, Old Meridian Place Rezone to be heard at the end of Public Hearings and item 3i, also Old Meridian Place Rezone (separate) to be heard at the first of Old Business Items so that these two items can dovetail.

## **H. Public Hearings:**

### **1H. Docket No. 06010003 Z: Guerrero Property PUD - CONTINUED TO APR. 18**

The applicant seeks to rezone 38.8 acres from S1/Residential to PUD/Planned Unit Development for the purpose of developing attached single-family residences and townhomes.

The site is located at the northwest corner of Towne Road and 131<sup>st</sup> Street.

Filed by Charles Frankenberger of Nelson and Frankenberger for Indiana Land Development Co.

### **2H. Docket No. 06010025 DP/ADLS: Huntington National Bank- CONTINUED TO APR. 18**

The applicant seeks Development Plan, Architectural Design, Lighting, and Signage approval for 1.155 acres, for the purpose of building a bank on an outlot on a larger retail commercial parcel.

The site is located at 10925 North Michigan Road and is zoned B2/Business.

Filed by Brad Schneider of Professional Design Group for Huntington National Bank.

### **3H. Docket No. 06020006 PUD: Aramore PUD**

The applicant seeks a rezone to create 150 townhomes & 72 courthomes on 27.35 ac.

The site is located near the SE corner of Westfield Blvd and 99<sup>th</sup> St. and is zoned S2.

Filed by Nick Churchill of Pittman Partners Inc.

The petitioner was called three times and failed to appear. Leo Dierckman made formal motion to Table this item, seconded by Rick Ripma, unanimously approved.

Note: Leo Dierckman made formal motion to remove Docket No. 06020006 PUD: Aramore PUD from the table, seconded by Sue Westermeier, Unanimously approved.

Steve Pittman, 370 Sander Court, Carmel appeared before the Commission representing Pittman Partners. Also in attendance: Nick Churchill and Neal Smith of Pittman Partners, and John McKenzie, Homes by John McKenzie.

The property consists of approximately 27.35 acres, currently consisting of 7 parcels. The site is located east of and adjacent to Westfield Boulevard, north of and adjacent to 98<sup>th</sup> Street, south of and adjacent to 99<sup>th</sup> Street, south of and adjacent to 99<sup>th</sup> Street, west of and adjacent to the Chesterton neighborhood.

An aerial map of the area was shown as well as a site development plan, community landscape plan, mailbox plan, entry-wall plan, street-lighting plan, and the townhome and courthome elevations being proposed.

This entire area is undergoing significant change and the City has instituted a special study of this

area. Pittman Partners is proposing a product and neighborhood that is transitional in nature and requires the developer to incorporate a plan that attempts to minimize the impact of redevelopment on the surrounding neighbors with the townhome and courthome product situated on the site so that the three-story product will be kept up and near Westfield Boulevard—not adjacent to the existing single story homes to the east. The challenge has been to integrate different uses and provide a for-sale product that the market place will support and also complement the neighboring uses.

Aramore is part of a quadrant formed by 99<sup>th</sup> Street to the north, 98<sup>th</sup> Street to the South, Haverstick Road to the east, and Westfield Boulevard to the west. The property is irregular in shape with frontage on both Westfield Boulevard, 98<sup>th</sup> Street, and 99<sup>th</sup> Street. The northern property line consists of approximately 380 feet adjacent to 99<sup>th</sup> Street and across from Waldon Pond. The southern property line consists of approximately 1,347 linear feet adjacent to the right-of-way for 98<sup>th</sup> Street. The eastern property line consists of approximately 646 linear feet adjacent to the Chesterton neighborhood and another couple-hundred feet adjacent to an individual metes and bounds tract. The western property consists of 951 linear feet adjacent to Westfield Boulevard.

A three-story townhome product specifically designed for this site will be built closer to Westfield Boulevard. The townhomes are unique with a stone and hardy-plank exterior with an arts and craft architectural style. The units do not encroach on any surrounding, single-story home. Moving farther east, one can see significant water features that will serve as an amenity and create a transition to another product line as well as deal with severe drainage issues that plague the entire area. The product to the east is a John McKenzie product that was designed specifically for this site and has not been built in this market previously—courthomes—and are designed to serve the upper and empty-nester who want the maintenance free environment and a convenient location.

A significant landscape buffer is being provided along the perimeters and continued access to the north if needed for future development. The plan also provides for a connection into Maple Drive and an extension of Maple Drive to the north if needed for future development. A lot of the neighbors in this area are concerned about the continuation of Maple—it will change their environment quite a bit. Carmel requires connection of subdivisions, although Aramore is comfortable not making the connection. This discussion will no doubt continue.

The landscape plan provides for 346 trees and 854 shrubs. This plan does not include all of the foundation plantings that will go around each individual residence. The developer has made a choice to provide individual mailbox plans as opposed to a “gang” mailbox. The light plan is an arts and crafts looking street lighting plan that will tie in well with the architecture. The entry wall is brick and cast stone with a limestone sign. This will probably be changed to utilize the same type of stone used in the three-story townhome product.

The townhme product has become very popular in Carmel. Brick has become old and over-done; the proposed units will have entry doors of copper, shed roof, hardy-plank and nice overhangs on the roof. After continuing to talk to Carmel, they have indicated that they would like different colors per building. It is anticipated that these townhomes will range from \$200,000 to over \$300,000 in price with building sizes containing 4, 5, and 6 units, ranging from 1,700 square feet to 2,200 square feet.

The types of buildings in this development transition from a three-story product in the back, to a two-story product that transitions to the neighborhood to the east, -- older, single story ranch homes. The product being provided is an empty-nester product—there are four units—two units on top of two units—ranging from 2100 to 2600 square feet. The units on top will have an elevator option. The price point will probably range from \$350, to mid \$400,000. The price point of the homes being proposed far exceeds anything else built in this area. Carmel is an attractive area and much sought after as far as residency, especially with the Monon Trail, the coming Performing Arts Center, the new Central Park, all work to make this a desirable area for people to do business here.

The Aramore plan utilizes this unique site with a variety of surrounding uses. The developer has incorporated elements and addressed concerns from multiple groups involved throughout the neighborhood study process. The developer has met numerous times with the Department in order to put forth a plan that meets the demands of the market, improves the value of the local area of residences, and meets the majority of Carmel's goals for the redevelopment of this area.

Members of the public were invited to speak in favor of this petition; the following appeared:

#### Public Comments/Favorable

**Pat Rice**, 9659 Wild Cherry Lane, 46280 spoke on behalf of the Wild Cherry residents in support of this project in general for several reasons. We believe that Steve Pittman is both a responsible developer and a person of integrity who not only does high quality work—he stands behind his work as well. However, there are several issues that must be addressed before the residents completely endorse this development. The re-design by the Department is not supported by the residents and there are other factors that need to be addressed as well as how the Department proposes to tie this in to the Urban Design Initiative that has not gone through the public process and ratified and accepted by the Common Council. There are serious drainage problems that must be addressed, not only for this development but for the whole area; this developer should not be entirely responsible for correcting the drainage situation. We do not want to see the land bulldozed flat in order to attempt to fix the drainage problems. There is much character to these pieces of property and as much as possible, we would like to see them preserved. If this project is kept separate from the Urban Design Initiative, and the drainage problems are addressed by the City in conjunction with this project, we believe the other issues can be worked out with Steve Pittman. The neighbors have met with Steve Pittman and he is supportive of our request that this project be addressed in a joint meeting with the Docket coming up, 96<sup>th</sup> & Westfield Neighborhood Plan. Pat asked that the public hearing on these two items remain open.

**Mark Varnau**, 10202 Westfield Blvd., said that this design is basically good for the area but would prefer a mix of the townhomes and courtyard homes on Westfield Boulevard so that it would not look like one long canyon of three-story buildings. In fact, all courtyard homes would be great throughout. The Westfield corridor into Carmel should be kept residential, one-half acre lots, and not retail. If given a choice, the area residents would like Westfield to look like Meridian Street rather than north Range Line Road. We do not need any more retail in this area—we have enough restaurants, nail salons, barber shops, and deli sandwich shops—some of which are empty. If retail

is added, he walking traffic will not support it and there will be more traffic and more “for lease” signs. There are persons oriented toward City living and those toward Country living. It is becoming increasingly difficult to find country living space in this community. Too much emphasis is being placed on the tax base, and not enough on maintaining residential areas free from continued development. Textbook designs should not be forced on everyone. This is not Chicago, and not New York City—there are not enough people in the area that would walk. More cars on the road driving to the new spots will either create more traffic or the opportunity for failed businesses for the next time.

Remonstrance/Unfavorable:

**Bill Carrier**, 9861 North Chester Drive spoke for the Chesterton HOA Board and its members. The Chesterton Board voted to reject this proposal for the following reasons: 1) A high-density project is inappropriate for this area, 2) Additional density will mean more children and will have an impact on the school system. 3) A high-density project will also mean an enormous increase in cars. Mr. Carrier said this development is the horse before the cart—the 96<sup>th</sup> & Westfield Neighborhood Plan is currently under study and has not yet been approved by the Plan Commission or the City Council. Mr. Carrier noted a discrepancy in the number of units actually being proposed.

**Michelle Fahr**, 9892 Haverstick Road, felt that this development is not complimentary to the current neighborhood which is single family dwellings and zoned S-2, 2.4 units per acre; the proposal is for 13 units per acre. Ms. Fahr asked that a woodland evaluation be done, since the proposal is for development on part of a wooded area with mature trees on the southern portion of 99<sup>th</sup> Street. In terms of the Ordinances, Ms. Fahr’s understanding is that mature trees should be left on site to the extent of 15% of the present stand and the Pittman proposal does not seem to provide for that. This proposal is too dense for the area and would devalue existing homes. Ms. Fahr requested denial of this petition.

**Susan Kastle**, 2215 East 99<sup>th</sup> Street, said that the current S-2 zoning of 9801 Westfield Boulevard and surrounding area allows for construction of one and two story buildings with a maximum height of 25 feet. Bordering the proposed Aramore development are mostly one-story homes and the construction of like building types, thus allowing one and two story homes along the eastern border of Aramore and the east/west border in the northern extension. Consideration of three-story townhomes along the perimeter of the courthome district and the northern extension would be unacceptable. The architectural difference would not appear well integrated and would be less visually pleasing. Privacy would be sacrificed much more than with the two-story proposed courthomes as requested and demonstrated in the proposed site plan. Ms. Kastle’s home shares approximately 795 feet of contiguous property line; one of the on-going concerns for this area has been surface water treatment. The remaining 13 acres of the 40-acre parcel are uphill from the development and isolated by the proposed development. All 40 acres of this land will drain across the development and we are asking that Pittman Partners and the City of Carmel work together to provide adequate for this property that often floods and contains standing water. Ms. Kastle also suggested construction of a 6-foot earthen berm along the western edge of the northern extension of the Aramore development that would be a minimum of 20 feet from her property line to allow for maximum privacy. The berm should be constructed in such a way as to create drainage required by the surrounding land and should not act as a dam or artificially retain water in any water. This

easement should extend from the northern-most point where the development borders 99<sup>th</sup> Street and commence south along the western border of the proposed development with a 6-foot privacy fence on top of the berm constructed of resilient and natural materials, complemented with well appointed flora, primarily of the evergreen type. Trees and shrubs should meet the minimum proposed height as outlined in the Ordinance proposal for Aramore. The maintenance and ownership of said easement shall be the sole responsibility of the development. The neighbors also ask that their homes be provided access to municipal water and sewage at no cost.

There is also a profound concern regarding the increase in both traffic volume and speed of the traffic along 99<sup>th</sup> Street between Keystone Avenue and Westfield Boulevard. Currently non-local traffic utilizes 99<sup>th</sup> Street as an overflow route and in general, this traffic disregards the posted speed limit of 30 mph and has resulted in accidents and animal fatalities as well as an increase in revenue for the Hamilton County Sheriff's Department and Carmel Police. Construction traffic is also a concern. The neighbors are requesting that the City of Carmel assist with the control of the increased traffic by first requiring construction traffic for the development to enter off Westfield Boulevard and consider installing a round about or other adequate traffic control at the entrance to the Aramore northern extension along 99<sup>th</sup> Street. The residents are also asking that the shoulder be removed from the plan or the entrance to the development be moved farther eastward along 99<sup>th</sup> Street.

Greg Bayh, 10215 Hillsdale Drive, resident of Carmel since 1963, said there has never been a mention of a traffic study. Has a traffic study been done? It is very difficult to get out of Holiday Hills & Dales now and with the increased traffic this development will bring, it will be impossible.

Tom Clifford, Woodbriar Lane in Chesterton neighborhood, said he and his neighbors are very concerned at the close proximity of the homes to their property line. Drainage is a concern as well and Mr. Clifford would like to see a berm installed along his property. The trees and wooded area are also a concern and every effort should be made to preserve the trees.

Pete Sole, 9629 Maple Drive said the development itself is not a bad project, but this may be the horse before the cart. The problem is infrastructure around this development and how it is to be modified by the City of Carmel—until that is known, the neighbors cannot approve of this project. The issues are drainage, water issues, and the opening of Maple Drive to be used as an access to the proposed development. In Mr. Sole's area (Lincoln, Maple, and Kittrell) these neighborhoods south of the proposed development will be asked to handle all of the traffic in/out of this development. At present, these streets are not very wide, there are no curbs and no sidewalks. However, there are families with children in this area and the neighbors enjoy a street that is closed—a dead-end street. If 98<sup>th</sup> Street is proposed for opening, the flow traffic on this street will increase to 600 cars from approximately 60 or 70 cars per day—the amount of traffic flow would be unacceptable for this neighborhood to handle. Is there a plan for Carmel to do roadway improvements with speed barriers to control the traffic flow? Will there be sidewalks? Unless there are commitments from the City and proposed changes known, the residents cannot be expected to be in favor of this development. We cannot stop change, but as citizens of Carmel, we have the right to know all the issues before we are asked to approve or disapprove this type of development.

Dennis Maurer, 9642 Maple Drive, immediately south of the proposed development, said he has had the benefit of a large city and has also had the rural flavor; we hate to see this change. Mr Maurer feels that his neighborhood (Forest Glen Subdivision) has been excluded from the planning process. The neighbors had asked for a voice on the steering committee and were denied—it was already full and that other would represent us. We do feel that we have been represented. Three major issues need to be addressed: drainage, traffic and buffers. Mr. Maurer objected to this area being a commercial corridor rather than residential. The ditches in this area have not been maintained by the County to facilitate the flow of water. The drainage problems on the east side of Maple Drive are the result of surface drainage out of Chesterton Subdivision. The drainage tile from the Forest Glen area under 96<sup>th</sup> Street is inadequate and does not allow for water to flow. On the west side of Maple Drive, the only problem is that ditches have not been cleaned out. Traffic: The thought of more businesses on 96<sup>th</sup> Street and projected development on the south side of 96<sup>th</sup> Street in Marion County with office buildings seems unfeasible with the current traffic problems. The round about at 96<sup>th</sup> and Westfield has improved traffic flow but has caused delays in getting out of the Forest Glen Subdivision; this will not improve with additional traffic. The proposed development of 210 units in the field north of 98<sup>th</sup> Street on the east side of Westfield Boulevard will generate approximately 400 additional vehicles to be dealt with on the streets surrounding this area. Depending on how traffic flow is maintained, it will be impossible to exit Forest Glen Subdivision onto the Street or even onto Maple Drive. Mr. Maurer presented a petition to the Commission signed by 53 residents of Maple Drive, Kitrell Drive, Maple Drive, and Lincoln Boulevard requesting that the streets would not be changed and opened into the Pittman project. The residents are also requesting that 98<sup>th</sup> Street not be opened from Westfield Boulevard into Chesterton; both of these would increase the traffic flow and create a safety hazard due to children playing in the area where there are no sidewalks and no traffic calming devices. The increased traffic and left turns into the businesses along 96<sup>th</sup> Street cause accidents. Left turns should not be allowed with this level of traffic. The situation has not been addressed by Hamilton County and the residents hope Carmel will consider this. What type of buffer will there be between the current residential area and the proposed development? At one meeting the statement was made that there would be a 50-foot buffer—what will it consist of—trees, bushes, earthen mound, fences, parking lot? We request that we be allowed input into this buffer for the benefit of both the residents and the proposed development.

Rebuttal: Steve Pittman. We started working on this project approximately one year ago and met with the Department of Community Services. At that time, the Department was starting to re-evaluate this area that was in transition with rental houses, vacant houses, two/three families living in a single-family residence, and boats, cars, and trucks parked in the area. The Department asked that we postpone moving forward so that the Department could work through this process. The intersection/round-about at 96<sup>th</sup> and Westfield moving north—Carmel is recommending that all the houses be torn down and re-developed into higher density townhomes; Pittman Partners currently has this under contract. It would be difficult to do the type of development proposed with the vacant homes and broken windows in the immediate area. If residents feel that this is an area that should be re-developed and improved, we need to look at our plan closely. This area should not be developed if drainage cannot be improved significantly. Some of the people in this area have been discouraged that their property has not appreciated along with other properties in Carmel. The re-development of this started in the late 80's to early 90's. The area at one time contained a drive-in

theatre. Redevelopment has occurred. If Carmel puts forth their plan this evening, they will show how they envision redevelopment will continue to occur.

The key for the plan to work is—there needs to be 2,000 feet of off-site drainage pipe installed to take water from the south property line of the proposed development to the 465 right-of-way. If this can be accomplished, this will pick up all of the water that is being dumped on this site and on these homes and take it efficiently to 465. These homes were not developed with current techniques that utilize storm sewers and curb and gutter. Some of those homes that are not draining well, if the water were to go to this development, it would be picked up. However, we would not be able to go into some of the other areas and fix all of the drainage problems.

The density in the proposed development is a little over 8 units per acre, not 13.

Concerns have been expressed that this area will be turned into a retail-business corridor. Pittman Partners is not proposing retail—we are proposing residential. Carmel feels that there should be some places here for retail but not in the Pittman project.

Pittman Partners is not proposing three-story residences next to single story homes. Pittman is proposing two-stories in this area. According to the Urban Design Initiative, Carmel prefers that the three-story product, the two-story product, single-family detached and mix with the business units.

The big problem in this whole area is the lack of infrastructure. The area residents have said that for long periods of time, they have lost electricity. This development will totally upgrade infrastructure in this area—the electricity, sewer, and water needed to develop this project will upgrade the area.

Department Comments, Matt Griffin: This item is recommended for continuation to the March 30<sup>th</sup> Special Studies Committee. There are items outlined in the Department Report that need to be addressed as well as comments from the TAC committee and Scott Brewer regarding the landscape plan.

Leo Dierckman asked if a traffic study had been done.

Steve Pittman responded that a traffic study had not been done. The developer's engineer had looked at the total roadway improvement plan being proposed by the round-about and the reconstruction of 99<sup>th</sup> Street, and it was said that a traffic study was not warranted. The Department did not request a traffic study, however, if the Department request the study, the petitioner would comply.

Matt Griffin said the Department would look at this again and verify; if a traffic study is needed, it will be requested by the Department. There are standards that are met before a study is required, but this is marginal. We can request a traffic study and have the petitioner bring it to the subsequent Committee meeting.



Rick Ripma asked if 98<sup>th</sup> Street is actually being extended—is this correct and who would be doing it?

Steve Pittman said that this is a huge concern of the neighbors. There is a huge amount of right-of-way here, but what has been heard from the neighbors is that they would like a pedestrian trail that would link the development. It was unanimous that they did not want a road project that would tie all of this together. The extension of 98<sup>th</sup> Street is something the City would be doing as a part of the annexation. If requested by the Department, Pittman Partners would offer to build a pedestrian trail to connect the development.

Steve Pittman reiterated that if the drainage problem cannot be fixed on this 27-acre site, the entire development would be scrapped.

**Docket No. 06020006 PUD, Aramore PUD** was forwarded to the **Subdivision Committee** for further review on **March 30, 2006 at 6:00 PM.**

**4H. Docket No. 06020010 PP: Stafford Lane**

The applicant seeks to plat 51 lots on 29.079 acres.

**Docket No. 06030022 SW: SCO Chapter 6.05.07**

Orientation of Home – request to allow dwellings to face internal street

The site is located south of 146<sup>th</sup> Street and west of Gray Road, and is zoned R1

Filed by Matthew Skelton of Bingham McHale, LLP, for Drees Homes.

John Talbott, Drees Homes appeared before the Commission representing the applicant. Also in attendance: Judd Scott, Vine & Branch; Matt Skelton, Bingham McHale.

The petitioner seeks to plat 51 lots on 29 acres located south of 146<sup>th</sup> Street and west of Gray Road. The property is bounded on the north by 146<sup>th</sup> Street; on the west by Copperwood Subdivision; to the south is Smokey Knoll; to the east is Oak Brook Subdivision and a vacant field; and to the north/northeast is Salsbury Bros. Landscaping.

The ground is zoned R-1 residential and the petitioner is proposing an R-1 Subdivision. As submitted, the proposal meets the standards of R-1 with the exception of one subdivision waiver for Orientation of Home.

The petitioner has completed a tree inventory and is intending to save as many trees as possible on site. The site belonged to the Stafford family and when Mrs. Stafford passed away, the Trust passed into the hands of Prevail and Drees expects to close on the sale next month. The homes are expected to sell from \$475,000 to over \$500,000. The petitioner is looking for an in-fill project to build the biggest and best homes, change some elevations to enhance the aesthetics, and market these homes as a semi-custom neighborhood for all Drees homes.

There are a lot of beautiful, old trees on this site and the petitioner is working with Judd Scott at Vine and Branch to preserve as many as possible; however, some will have to be destroyed in order to make way for streets and utilities.

The homes will have lots of stone, lots of brick, three-car, side-load garages, brick wrap on all four sides, and hardi-plank on the remainder that is not a masonry product. The petitioner will bring pictures of the product to Committee meeting on March 30, 2006.

The petitioner stated that he meets all requirements of the R-1 Subdivision with the exception of one waiver. The Subdivision Waiver for Orientation of the Home refers to the very first lot on 146<sup>th</sup> Street. Rather than orienting toward 146<sup>th</sup> Street, the petitioner would like to orient the home towards the entry boulevard. In the middle of the 29-acre site is a one-acre cutout that is not a part of this proposal. In addition, there is a 50-foot access easement that belongs to the one-acre site that follows the route to the curb cut. The petitioner is restricted in its ability to move the curb cut on 146<sup>th</sup> Street, however they are working with the Department and with the City Engineers to resolve any issues.

Members of the public were invited to speak in favor of the petition; no one appeared. Members of the public were invited to speak in opposition to the petition; the following appeared:

#### **Public Remonstrance/Unfavorable**

**Dick Bowles** appeared before the Commission representing Copperwood HomeOwners Assoc., 78 homeowners who are concerned with the location of Stafford Lane. Approximately one-half of the homeowners are affected by the proposed development in that Stafford Lane abuts a number of the homeowners is Copperwood and creates double-frontage lots. The residents would not like to see this developed as currently proposed; the homeowners are suggesting that the access drive be moved farther to the east so that persons with backyards would not have a street on both the front and back sides of their homes. The proposed street design is an exception to the standard Carmel design and does not have sidewalks on both sides; the residents of Copperwood would like for the Carmel standards to be maintained. As proposed, Stafford Lane is very close to Arrowood and people traveling eastbound on 146<sup>th</sup> Street. If Stafford Lane were moved farther to the east, it would increase the distance and allow for turning lanes and it would be a safer design. Drees has offered to install wooden fences to separate the proposed location of Stafford Lane, but this is not considered an acceptable solution. The residents of Copperwood would much rather Stafford Lane be moved farther east. The residents would prefer that the proposed houses would be turned so that the back yards abut. The Copperwood Homeowners have unanimously voted to ask that Stafford Lane be moved farther east.

**Kim Pratt**, Copperwood resident for nine years, expressed same concerns as the previous speaker. Ms. Pratt's home backs up to Stafford Lane. Ms. Pratt has three children and the two younger ones would be in the backyard; the concern is that there would be a two-lane road on the backside of her home and this is considered unsafe. The location of the street will affect several houses. Drees has talked about putting a smaller street at this location with no sidewalks, no curbs—this is a major concern with automobile lights coming and going, increased traffic, and the safety factor. There is also a concern with construction traffic into the neighborhood as well as concern with the easement between the proposed street and the property lines.

**Judy Hester, Attorney** appeared before the Commission representing Janet and Frank Thompson,

owners of the “square.” Ms. Hester distributed a drawing handout. On paper, the primary plat is beautiful, but up close, it is not as nice and there are concerns with the access lane. The street is very close to the home that is all the way to the pavement. The primary plat makes this lot double-frontage with a street on the front and a street on the back. The street could be moved over; however, the Thompsons own the 50-foot easement and they prefer that it remain where it is. As currently designed, the homes will have double-frontage—on the other side is Salsbury Bros. landscaping and the residents living along the first lots would be looking at a commercial property; there would be no buffer, it would go from R-1 to commercial. The small strip of land does not accommodate any lot in accordance with the Ordinance. Also, there is to be 20% open space and the plat only provides for 9.7% open space. The open spaces provided are not really useable spaces. In summary, the proposed development is not harmonious with the neighborhood and the Thompsons are asking that the Commission deny the plat—if that is not possible, a re-design would be requested so that no homes would be constructed along the small strip.

**Marcy Reddick, Attorney**, Summer Barnard appeared before the Commission representing the Estridge Companies. The Estridge Companies owns property adjacent to the proposed development. There are several concerns as an adjacent property owner and also concerns about the development in general. A listing of the concerns has been submitted in a letter to the Department. The first concern is that Stafford Lane ends in a stub that contemplates an east/west public thoroughfare across the southern edge of the Estridge property and along the north edge of the Oakbrook Court development. The outlet is fairly close to the Oakbrook Court development outlet onto Gray Road; Estridge believes this is not the best location for that outlet. Also, the design proposes a sewer line from Gray Road across either the southern end of the Estridge property or the northern end of all of the properties along Oakbrook Court development; however, there has been no contact with the Drees Company in this regard. The proposed road will inhibit Estridge Company in their ability to develop their parcel and perhaps diminishes value.

**Jeff Salsbury**, president Salsbury Bros. Landscaping Co., was not opposed to the development, however, did want to create awareness that Salsbury Bros. is in business at this location and has large trucks in/out of the location; there are also semis bringing in mulch three/four times per day in the busy season. Mr. Salsbury would not welcome complaints from people moving into the area that would be close to his operation. There are crews that start at 6:00 AM and traffic in/out. What type of buffer would there be between the properties? Salsbury has been annexed into the City and is currently paying taxes for water and sewer access, however, they are currently on a septic system and would be interested to see how they could tie into the sewer. Right now, the big issue is awareness for the neighbors of his business operation—equipment, noise, hours of operation, etc.

#### **Rebuttal:**

**John Talbott** stated that this is not a double frontage lot, there is no right-of-way that actually touches the back of Copperwood. As to the street design, Drees has made changes to the street per recommendations of Judd Scott, Vine and Branch, and Scott Brewer, Carmel Urban Forester. The easement runs from the property line to dead center of the oak trees. The strong desire was to save the row of oak trees and when we talked about narrowing the road, Drees intended to make it safe and to minimize damage to the oak trees. Drees did not believe a sidewalk was necessary; however,

if required, Drees would build a sidewalk exactly to Carmel standards but would prefer not to in order to save as many trees as possible. As to why the street is there—the Thompson parcel is tied up by another developer and the Thompsons have an access easement—a recorded easement—tied to the street and to move it another place would create two curb cuts, two streets. We have been unable to work this out. Drees has met with the neighbors and understands their concerns. Drees will be installing additional landscaping and has even offered to install a fence in order to address their issues.

As to the attorney representing Estridge Companies, John Talbott said he had met with the ex-Chief Operating Officer—Mr. Drees has had conversations with them—we have been unable to work out the situation. However, Drees will go back to Estridge and try to work with them. The exact location of the road was determined by Drees due to lack of cooperation from Estridge.

Drees will certainly buffer Salsbury Bros. Landscaping and will also let people know the business exists at this location. Drees can work the sewer issue as well.

**Dept Comments, Matt Griffin:** The Department is recommending this be sent to the March 30<sup>th</sup> Subdivision Committee for further review. The petitioner has yet to receive a full Engineering approval and a lot of the street issues will be resolved with Engineering requirements. The Department is requesting that the petitioner bring any up-dates/approvals with them to the Committee meeting. There are outstanding items from Engineering comments that have not yet been addressed from the TAC meeting.

Mark Rattermann said he is confused by the street issue. Is the proposed street sitting on top of the easement? If so, Drees really can't move the street without Ms. Hester's client agreeing to that.

John Talbott, confirmed the situation—there is another developer who has a contract on the one-acre parcel that includes the access easement. Whoever owns the one-acre parcel controls the easement that runs with the land.

Jerry Chomanczuk referred to the Department Report that states the zoning designation for this property as R-1 residential with a maximum density at 2.9 units per acre. What is the density for this particular project? Also, the City has an Ordinance against double-frontage lots—is there language available that would clarify?

John Talbott responded that this project is a density of 1.75 units per acre.

John Molitor responded that the language is rather sparse, but does directly prohibit double-frontage lots. "Double-frontage lots or through lots shall not be platted except that where required along an arterial street, parkway, or collector, the principal structure shall face such thoroughfare." That is not the situation here—these lots are not proposed to face the thoroughfare. The Ordinance simply says that double-frontage lots shall not be platted.

John Talbott clarified that in both this case and the Thompson parcel, the right-of-way does not touch the Copperwood Subdivision—there is a buffer there—only one street actually touches the

Thompson property and there is common area around the Thompson property.

Mark Rattermann asked if the detention ponds could be moved—it would not solve all of the problems, but it might help.

John Talbott said “No,” the water is flowing downhill into the two spots where the detention ponds are located. The petitioner more than meets the 20% open space requirement.

Jerry Chomanczuk asked the Department about the street width—the streets seem very narrow.

Matt Griffin said the streets are not being permitted to be narrower, it is an issue that Engineering is still working through. It is an outstanding issue at this point and will be addressed by Engineering.

**Docket No. 06020010 PP, Stafford Lane** was referred to Subdivision Committee for further review on **March 30, 2006 at 6:00 PM.**

**NOTE:** See Item 3H.

**5H. Docket No. 06020016 PP: Woods at Lions Creek**

The applicant seeks to plat 33 lots on 59.097 acres.

The applicant also seeks the following Subdivision Waivers:

**Docket No. 06020019 SW:** SCO Chapter 6.05.01

Lots – request to permit lots with less than 50 feet of right of way frontage

**Docket No. 06020020 SW:** SCO Chapter 6.05.07

Orientation of Home – request to allow dwellings to face internal street

**Docket No. 06020021 SW:** SCO Chapter 6.03.07

Cul-de-sac Length – request to have cul de sac in excess of 600 feet in length

**Docket No. 06020022 SW:** SCO Chapter 6.03.21

Stub Streets – Request to have only one point of access (no stub streets)

The site is located at 4343 W. 138<sup>th</sup> Street and is zoned S1 Residential

Filed by Allen Weihe of Weihe Engineering for JC Developers, LLC.

Matt Skelton, attorney with Bingham, McHale, 970 Logan Street, Noblesville appeared before the Commission representing the applicant. Also in attendance: Muno Henderson with JC Developers; Jim Langston and John Edwards, Langston Development; Dave Barnes, Weihe Engineers; Judd Scott, consultant with Vine & Branch.

This site is located on the west side of West Road between 131<sup>st</sup> Street and 141<sup>st</sup> Street. The property is approximately 59 acres in size, currently zoned S-1. The petitioner is proposing an S-1 Subdivision consisting of 32 lots. The density permitted is one unit per acre and the petitioner is comfortably under that at point five-four (.54) units per acre. This project is designed to be a gated community with private streets. The home sites within the Woods at Lions Creek are expected to being at \$400,000 with an anticipated sales price of the homes over \$1.5 million.

With a project of this nature, there are significant architectural guidelines that are included and

those are summarized in the information packets. There are waivers that are being requested for right of way frontage, orientation of homes, cul-de-sac length, and for stub streets.

Copies of four-sided elevations are a little difficult to produce because these are custom homes and are not yet designed. However, some examples have been included. These drawings will also be brought to committee for further review as well as updates of all pending approvals from the Engineering Department and the landscaping plan.

Members of the public were invited to speak in favor of this petition; the following appeared:

Jim McCarthy, 4037 Oakleaf Drive, directly behind the proposed development, said he had walked this property over the weekend and feels that this will be a really nice development. However, there is one issue and that is water drainage. It looks as if the lake will be directly behind his home and will create a drainage problem for his home and adjacent homes. Mr. McCarthy also wanted to request that the existing berm will remain. Mr. McCarthy wanted to meet with the developer to discuss this situation.

Willie Wood, 13701 West Road, stated he was very much in favor of this development.

Members of the public were invited to speak in opposition to this petition; the following appeared. Willie Wood, 13701 West Road, said he had questions. The Creek name on all of the maps is Lion Creek and not Lions Creek and this could affect their signage. There is also a concern regarding construction traffic that would be on a very small, sad excuse for a road. There are a lot of joggers, bikers, coyotes, etc in this area and that could be a problem. When are improvements scheduled for West Road? There is a bridge just south of the proposed entrance and it will probably not take a lot of weight.

Department Comments, Matt Griffin. We are recommending this item be sent to the Subdivision Committee for further review.

Jerry Chomanczuk questioned the need for all of the waivers being requested and asked that the petitioner go into detail at the Committee level.

Matt Skelton commented that the existing home on the property will be retained and the subdivision built around it. Matt Skelton offered to meet after the meeting with anyone that has questions.

Sue Westermeier asked that the committee take a hard look at making this subdivision two access points rather than a single gated community.

**Docket No. 06020016 PP, Woods at Lions Creek** was referred to the Subdivision Committee for further review on Thursday, March 30, 2006 at 6:00 PM.

6H. **Docket No. 06030021 Z: Old Meridian Place Rezone**

The applicant seeks to rezone 2.4 acres from Old Meridian Single Family Attached (OM/SFA) to Old Meridian Mixed Use (OM/MU) for the purpose of creating mixed

use structures. This project is in conjunction with the proposed Old Meridian Place development.

The site is located at 1127 West Main Street and is zoned OM/SFA.

Filed by Lawrence Kemper of Nelson and Frankenberger for Centex Homes.

**Note:** Heard with Old Business Item No. 3I, Old Meridian Place Rezone, Docket No. 06010002 Z.

Jim Shinaver, Nelson and Frankenberger appeared before the Commission representing the petitioner. Also in attendance: Jon Isaacs, Centex Homes.

The overall project relates to a parcel of real estate that is 25.465 acres in size and located at the southwest corner of 131<sup>st</sup> Street and Old Meridian. There are two components to this project: the two rezones, and corresponding DP/ADLS applications for review. The DP/ADLS portion of this application is still at the Committee level for review and will remain there until the review is completed. However, because of the nature of these rezones and discussion with the Department, the petitioner was hopeful of moving the two rezones for this site forward to City Council.

If the rezones were to move forward through the Plan Commission and on to Council, it is likely the rezones could be approved by May 15, 2006. The subsequent Plan Commission DP/ADLS approval could occur the following day, May 16. It would be important because it would ensure that the rezone was approved prior to the final DP/ADLS submittal. If for some reason the rezones were determined not to be appropriate, the petitioner would have to redesign the entire site.

The current zoning in this particular area is Old Meridian/Special Use and Old Meridian/Single Family/Attached. These two areas need to be rezoned to Old Meridian/Mixed Use in order to have the proposed site plan approved. Apparently the existing zoning for this site would permit about 70 to 80% of this type of build-out, but there are two sections because of the history of this property.

The DP/ADLS petition will remain at Special Studies Committee until review is complete. What is requested this evening is for the full Plan Commission to render a positive recommendation to the Council on both rezones.

It was always the desire of Centex to involve the second parcel with the overall site; however, it took them longer than anticipated to bring it under contract. In order to get to this evening's meeting, the petitioner had to accelerate the notice requirement. The petitioner complies with the State Statute notice and requirement, but not the Rules of Procedure.

Members of the public were invited to speak in favor of or opposition to this petition; no one appeared and the public hearing was closed.

Department Comments, Matt Griffin. The Rules of Procedure must be waived in order to vote on this item, since it did not meet the required 25 days notice. The Department is in support of linking the two rezones in order to get the entire project on one Agenda and that would be Special Studies Committee, the DP/ADLS. The petitioner has grown the project by acquiring two additional parcels since the process started and the addition of these two parcels actually allows this project to

be closer in line with what was envisioned for the Old Meridian Plan. The Department is requesting that the Commission waive its Rules of Procedure, vote on these items, and forward to the City Council with a positive recommendation.

Leo Dierckman made formal motion to waive the Rules of Procedure, seconded by Sue Westermeier, Unanimously approved.

Leo Dierckman made formal motion to **forward Docket Nos. 06030021 Z and 06010002 Z, Old Meridian Place to the City Council with a positive recommendation**, seconded by Madeleine Torres, Approved 9-0.

**7H. Docket No. 06020017 CPA: 96<sup>th</sup> & Westfield Neighborhood Plan**

The applicant seeks to amend the Carmel/Clay Comprehensive Plan in order to incorporate the 96<sup>th</sup> & Westfield Neighborhood Plan.

Filed by the Carmel Department of Community Services.

Adrienne Keeling, Department of Community Services appeared before the Commission representing the applicant. Also present: Adam Thies, consultant with Eden Land Design.

The proposal is an amendment to the Comprehensive Plan to include a conceptual neighborhood. As a land use planning agency for the City of Carmel and Clay Township, the Department of Community Services has seen the development pressure that the area bounded by 99<sup>th</sup> Street to the north, I-465 to the south, Keystone Avenue to the east, and the Monon Trail to the west has undergone. The pressure has been in the form of proposals, rezoning, and use variances. Because of that, the Department initiated a planning process that would seek to have in place a conceptual plan for this area rather than being reactive to piece-by-piece development.

Over the past few months, there have been several meetings with residents, stakeholders, Marion County Dept. of Metropolitan Development, as well as representatives of the Nora Community Council. In August 2005, there were a couple of very large neighborhood meetings at the Hope Church where hundreds of people attended and key issues and opportunities were included for questions. Best development practices were outlined and conceptual plans were introduced. Again, the public was given time to ask questions and make comments regarding their desires for the neighborhood and the conceptual land use plan.

From those meetings, the Department felt that it was necessary to put together a residential steering committee consisting of approximately 15 members. With the help of the steering committee over the course of several more meetings, the plan was modified and various issues were talked through. In February 2006, we went back to the neighborhood in a meeting at Hope Church and presented the plan that will be seen this evening.

The plan is balanced, a lot of public consideration was taken in, the plan focuses on land use, and the Department feels it is appropriate. The Department is asking for consideration of this plan.



Adam Thies, President of Eden Land & Design addressed the Commission. Eden Land & Design is a planning consulting firm based in Indianapolis. Eden Land was asked by the Department to act as a consultant to facilitate a neighborhood plan for this area that would balance a variety of competing interests. There were interests of residents who did not want any change to occur in the area, residents who wanted to sell their land for higher and better use, residents who weren't sure, residents that were affected by the recent Westfield Boulevard improvement that eliminated left turns because of the median, and also to balance the competing interests of a changing Carmel—a place where there is a desire for more residential units because there is a high quality of life here. The study has been interesting and dynamic—there are a lot of competing interests to be balanced.

The goals of the plan are to be balanced and achieve as many of those objectives of both conserving special places but also pushing forward new, exciting places. This is a land use concept, not a definitive site plan for the future—its goal is to act as an advisory piece for the Plan Commission in the future as new activity comes on line.

In the site study area, the area south of 96<sup>th</sup> Street is not within the jurisdiction of the City of Carmel it is a part of Marion County in Indianapolis. Currently, the Comprehensive Plan for the area south of 96<sup>th</sup> Street, Marion County, encompasses three distinct land uses, one called Office/Commercial, one called Heavy Commercial, and one called Community Commercial. These distinctions are in the Comprehensive Plan and not the zoning for this area. This is a future vision according to the Marion County Comprehensive Plan that was adopted in November 2005. The land uses encompass a variety of more traditional, commercial uses and range in height and scale from one story to a variety of stories, depending on their square footage. Carmel did not want to let this go without extending a hand to engage the City of Indianapolis in a planning dialogue.

In past years, the City of Carmel and City of Indianapolis have always seen eye-to-eye for the area along 96<sup>th</sup> Street. This plan extends a series of generalized recommendations that we hope can help the guiding factors for the future.

One item is to look at preserving the large wooded space, emphasizing a walkable development pattern for new development; encourage a mix of land uses as opposed to a mono-use such as single offices; encourage the development of useable open spaces; restrict building height to four stories or less.

Regarding transportation, Westfield has made improvements in the form of a four-lane road with boulevard and a new roundabout—this has been installed and is an active piece. Carmel has recommended a series of additional transportation improvements to see how this area could improve from an infrastructure improvement standpoint. One key area of clear concern, not just to the residents but to the whole City of Carmel, because it serves as a key gateway into the community, would be the intersection of Keystone and 96<sup>th</sup> Street. The study recommends an improvement to that area. Keystone would take on a different character as it interacts with 98<sup>th</sup> Street and 99<sup>th</sup> Street. We are recommending that 98<sup>th</sup> Street not continue as a through street so that there could be continued flow on Keystone and only right turns would be allowed. However, because of its importance as a connector to Westfield Boulevard, 99<sup>th</sup> Street would be continued to be a right and left turning street.

As a potential engineering solution to the Keystone and 96<sup>th</sup> Street intersection, there would be a central, below-grade through lane that would carry traffic underneath the local, above lanes that would move through a large traffic circle guiding both 96<sup>th</sup> Street and Keystone traffic. From seeing this instituted in other communities, this has been a very successful way to split the local and through traffic that is ultimately the cause of most congestions in these kinds of signalized areas. In addition, 96<sup>th</sup> Street as it would continue west through the site area and down the Westfield area with the bridge and its interaction with Real Street that becomes 96<sup>th</sup> Street in Indianapolis, this plan recommends that 96<sup>th</sup> Street be improved to a two lane with center median turn lanes and a roundabout be installed at a scale comfortable to the neighborhood at Haverstick Road and 96<sup>th</sup> Street. Also, it is recommended that the City of Carmel extend a hand to work with the City of Indianapolis to create a traffic condition at the corner of Real Street and Westfield Boulevard to handle additional traffic and then improve 96<sup>th</sup> Street. This is seen as an effective solution to having traffic head west through the site. This would not necessarily allow fast traffic but would definitely allow a significant flow of traffic.

In addition, when the Retreat facility was developed, there was a 150-foot setback in that area; the proposed plan at this time does not recommend that as a roadway but rather recommends that this would be turned into a greenway to connect to the Monon Trail. In that capacity, there is long-term potential that this might be a connector of some sort for transportation.

There are two distinct areas that build off a larger vision for neighborhoods in Carmel that would incorporate a mix of land uses that would include neighborhood centers in an effort to develop more walkable culture in the central core of Carmel. The first area is at 96<sup>th</sup> & Keystone Avenue. The piece of land at the corner, from a planning standpoint, makes a lot of sense as a potential transit center location. The Marion County and Metropolitan Planning Organization of Indianapolis has talked about a potential transit route up Keystone Avenue. In addition, there are already commercial uses in place to the west of this intersection and we see a continuation of this trend.

In addition, the area north of 96<sup>th</sup> & Keystone Avenue intersection, currently the location of the Lighthouse Tabernacle—should this Church desire to sell or re-locate, this area could be re-developed as medium density residential to connect towards the transit center to create a neighborhood hub at this location.

From a conceptual land use standpoint, the area east of Westfield Boulevard and south of 99<sup>th</sup> Street is seen as a mixed-use area encompassing well-designed site plan medium density residential uses. A small-scale neighborhood retail along Westfield Boulevard would also be envisioned to serve both of these neighborhoods but also the greater neighborhood. The golf course on the west side of Westfield Boulevard may be sold at some point and perhaps developed in a high-quality manner that would ultimately create an environment that would be exciting and dynamic in the neighborhood.

Medium density residential area would be a mix of a variety of townhomes, condominiums and single-family homes. The goal is to create a place that has a lot of different type of people living in it that would encompass a lot of different uses. Towards the west end of the golf course and along the Monon Trail is one of the more significant tree and forest areas in the community. We would

like to see this area preserved and would be a long-term amenity along the Monon. Obviously, that would take a purchaser who is willing to maintain that. Additional connectivity to Westfield would be provided through any kind of development that would occur in these areas. We are recommending that this be a two-lane roadway when it is re-done with the potential inclusion of speed bumps or some other traffic-slowing device.

There are several single-family units in this area that have been there for quite some time. There is also a fairly heavy tree canopy. A lot of the homes have held their value and are desirable places to live. There is a large woodland space along 99<sup>th</sup> Street; there are two areas, one along Westfield Boulevard and should an improvement occur with a median along 99<sup>th</sup> Street, would start to become less desirable as single-family homes because of a median condition. We are looking at that and trying to address that further. We are recommending that these homes be allowed to redevelop long term. A clarification should be made at this point—the City of Carmel is NOT wanting to tear down these homes and this has not been said in this process. What has been said is that should a private entity talk about that, this is a way of accommodating that spaces. It has been clear throughout the process that the City of Carmel is not doing this “redevelopment.” This is not a “redevelopment” case. This is a plan to be in place when private development comes forward and act as an advisory piece to this Commission.

In addition, we see the inclusion of medium intensity residential uses along 96<sup>th</sup> Street to Haverstick Road. A series of recommendations is outlined in the document—this area would be a maximum of three stories in height, access drives would be consolidated so that median cuts could be in one or two places as opposed to every home having a desire to make a left turn. There would also be a minimum of 50-foot landscape noise/light buffer. We would recommend that the area would adhere to the City’s Open Space Ordinance.

In the remaining area, in the 10-year time horizon, we see the remaining residential area being a very viable place to live. There is an excellent tree canopy; it is a tremendously desirable location for both current and future residents. Working with the residents, the goal would be to promote home maintenance and ownership and use the City to enforce any code issues that might arise; look to working with the residents regarding sidewalks and bus stop areas—major themes heard on a regular basis which would start to look towards drainage and infrastructure issues. In this plan, there are no details as far as financing—this is an advisory recommendation only. However, we would continue to promote additional tree growth and planting.

Throughout the process, numerous residents indicated their desire to sell their property for redevelopment. In an effort to balance that desire with those who wanted to stay, we saw this area as a transitional area and the recommendation being made is that rather than single homes being redeveloped, there needs to be an assembly of a minimum of five (5) acres.

Of particular note is the historic property along Haverstick Road and its historic status would be protected in any type of development proposal because of its historic nature.

In summary, the map starts to connect the 50-foot buffer areas creating a walkable development pattern along any redevelopment that might occur as well as a complete neighborhood where there

is a mix of housing types—single family, more dense housing types, commercial uses, and a transportation system.

Members of the public were invited to speak in favor of this petition; no one appeared. Members of the public were invited to speak in opposition to this petition; the following appeared:

Remonstrance/Organized Unfavorable:

**Bill Carrier**, 9861 Chesterton, spoke as president of the Chesterton Neighborhood Assoc. At the first public meeting at the Hope Church, some of the attendees were quite vocal and even unruly to the point where few insisted to give the Director of Community Services and the Consultant a chance to give their presentation. This area is a part of the homeowners who fought Carmel annexation three years ago and eventually forced Carmel to negotiate a settlement to delay coming into Carmel until December 9, 2005, with Carmel paying all expenses incurred. During that period, in 2003, Carmel indicated that nothing bad would happen, only good things. Carmel did not want this area for just tax purposes. As a result of this history, a lot of residents do not have a lot of trust in Carmel statements. The land plan as presented by the Consultant that showed the various areas classified and zoned. It was obvious that the Consultant, developer, Carmel, and a few homeowners were having a plan tailored and modified to their objective of getting as much high density and commercial as can be squeezed into the area in order to maximize tax return to Carmel beside providing developers and a few homeowners the opportunity for a fast dollar. A few crumbs were given such as increasing the 25% buffer to 50 feet and not extending 98<sup>th</sup> Street to Woodbriar. The more basic question is: “Is this plan in the best interest of the current homeowners or is it in the interest of Carmel, developers and a few homeowners?” The area in question consists of single family homes with well-kept lawns, streets, homes and a safe area for raising for children with a single entrance and dead-end streets. The area is blessed with many trees and greenery and children play in the area with no car problems and school bus pickup. This area is a neighborhood without high density, three-story buildings with a Starbuck’s on the corner, so, why the need for this plan? According to the Consultant, it will protect us from those shady developers who are lurking out there. The cure is worse than the perceived disease and the plan is much like a cancer—once installed, where will it end? Mr. Carrier said he is of the age that these items will not have an effect on him but rather on his neighbors and friends. Mr. Carrier asked that this proposal be rejected.

**Pat Rice**, 9659 Wild Cherry Lane, spoke on behalf of residents of Wild Cherry Corner. Most of these neighborhoods have a perception very different than the one presented by the Department of Community Services. There are over 50 items in the report that the neighbors disagree with and will not even try to address. The residents believe there are many serious issues concerning this proposal and the document itself that is seen to be ambiguous and lacking quantifiable data and are concerned about how it would be interpreted and who would serve as the final arbiter in the process. The residents also believe the document is misleading in a number of areas. The concept of a civic design is not in question, the issue is how it is used and applied to our neighborhood area. What is at issue is how it has been used and applied to our area before going through the required process to City Council. A letter was sent to the Commission October 19, 2005 voicing concern. Tonight is the outcome of those issues that the neighbors were troubled over. The method used to design this study is in violation of the decision made by the Carmel City Council pertaining to resolution CC-01-09-06-02. In consideration of the Resolution having been sent from the

Commission with the wording: The adoption of Civic Design does not bind the Plan Commission or Common Council to take steps towards the full or partial implementation. This was withdrawn from the Council Agenda on recommendation from the Land Use Committee on January 12, 2006. Ms. Rice believes that the Land Use Committee members reflected the concern that the Civic Design or Urban Design Initiative was too open-ended and did not provide adequate, quantifiable information on which to base future decisions by either the Plan Commission or the City Council. There has been no market analysis, no traffic study, or information as to how infrastructure needs to be dealt with. The Dept. was instructed to be more specific rather than hypothetical and to begin the process of moving this amendment through Noticed Public Hearings as the Comprehensive Plan provides—to our knowledge, this procedure has not been followed to date.

After going before the BZA and prevailing in a request for denial for a Special Use on residential property in our community, we requested a study identified as a special study area in the 1996 96<sup>th</sup> Street Corridor Study, sponsored by both the Cities of Carmel and Indianapolis and funded by the MPO with well-known planner John Myers. Upon completion, that study was adopted as an amendment into both the Indianapolis and Carmel/Clay Comprehensive Plans with several issues remaining open. A reference was made to Chapter 7, page 7-7 under Implementation of the 96<sup>th</sup> and Westfield Study Area open issues. The issues include the extension of 96<sup>th</sup> Street west of Westfield, directions as to how the intersection with the Monon would work, and details land use intensity in the area in order to plan for the future.

Without completion of the bridge east of Keystone and possible extension of 96<sup>th</sup> Street to the Monon, or with the bridge over I-465 proposed by the County, there was not enough data on the traffic impact to complete this part of the 96<sup>th</sup> Street Corridor study of 1996. The residents never envisioned what was about to take place.

Pat Rice referred to the neighborhood area as larger lots and less valuable homes. Who did the market analysis? A home just went up for sale in this area and was appraised at \$257,000, but Tucker put it on the market for \$350,000. How are we comparing some of this?

Our belief is that this docket to amend the Comprehensive Plan be sent to the Council with a negative recommendation with the notation that the 96<sup>th</sup> and Westfield Study Area be addressed. If the Civic Design is one of the tools deemed necessary for addressing this area, this study should remain on hold until that docket has gone through the proper public process and ratified and accepted into the Comprehensive Plan. Ms. Rice asked that a special committee be appointed from both members of the Special Studies and Subdivision Committees or the entire Plan Commission to hear some of these comments that have not been addressed. We also ask that the public hearing remain open until those issues are addressed.

**Mark Varnau**, 10202 Westfield Boulevard. Mr. Varnau said he would like to see Westfield Boulevard as the only entry into Carmel that remains residential in nature without any commercial or retail component.

Mark Monroe, attorney with offices at One Indiana Square, Suite 1800 addressed the Commission as a representative of three property owners in the area, two of which are present this evening.

Larry Hyde, Vice President of Tom Wood, Inc. was in attendance as well as W & D Land Company, Chad Hahn. The third property owner, Tom Stoughton was unable to attend this evening. There are no incredible objections to this plan, only minor alterations to what has been presented. Mark Monroe asked that the words “transit center” be removed from the proposed plan.

Tom Wood also asked that their existing operation be allowed or included in the mixed-use designation of this area. W & D Land Company owns property along 96<sup>th</sup> Street, Hahn Surveying, as well as two residential properties behind it that are currently single-family rental units. W&D has no objection to the neighborhood commercial designation—the surveying company fits in with that type of commercial; however there are two property that are zoned residential that would provide for nice conversion into office. At one time, the Comprehensive Plan designated these areas uniquely as single-family office, wherein the existing homes would remain but they could be converted into professional office use. With any improvements to 96<sup>th</sup> Street it is likely that the Hahn surveying business would be wiped out and the professional office location would be moved into the single-family/office district. This designation was removed and Hahn would like to see that reinstated. The third owner, Tom Stoughton owns property along 96<sup>th</sup> Street that would lie in the medium density residential area. We have not objection, however this entire area was designated not only for medium density residential but also included a live-work component—a commercial component likely on the first floor and residential above—this would fit into what Marion County is doing on the south side of 96<sup>th</sup> Street. We are not asking that the plan not be recommended for approval; we are simply asking for minor revisions and plan to participate in the Committee process.

Jim Shinaver, attorney with Nelson & Frankenger spoke as representative of an individual landowner; the parcel is located north of and adjacent to 96<sup>th</sup> Street, east of and adjacent to Haverstick, west of and adjacent to Wild Cherry Lane, and has been owned by the Tintera family since the 1940’s. In July, 2004 a rezone proposal was filed on this particular parcel from S-2 to B-1 Business to permit a small office park development. During that process, there were discussions with adjacent neighbors, including Pat Rice, and it was discovered that this study group was going to occur. Mr. Tintera decided to put the rezone completely on hold; Mr. Tintera expressed an interest in being a member of the steering committee, however, he was not selected. Mr. Tintera has been both patient and involved in this study process. The location of the Tintera parcel is adjacent to existing neighborhood commercial designation—the east side of Haverstick Road, north of and adjacent to the Marion County line that has been described in recent Comprehensive Plan revisions that will introduce the concept of additional commercial to the south.

Currently, under this particular proposal, the Tintera parcel would be designated medium density residential. Mr. Shinaver asked that the Commission consider changing the designation to neighborhood commercial. At one time, the area was considered for a Keystone business village. At one time, a designation that would permit a commercial type of use appeared to be appropriate, however as the process continued, that changed. Mr. Shinaver asked that the Commission be open-minded through the discussions and the Committee process.

Pete Sole reiterated comments made previously on the Aramore PUD. When is Carmel going to come out and look and see a beautiful neighborhood with \$200,000 homes on my street—not \$400,000. A lot of the neighbors have put a lot of money into their homes and continue to improve

them. If we are going to consider changing the facia of 96<sup>th</sup> Street, and if we want to control what Carmel looks like from the south side entrance, there is a lot to be said for these beautiful neighborhoods. We are proud of this neighborhood! To point an arrow at my street that says “Undesirable” or “Less Desirable” is appalling! My property value in the last three months is on hold. No one in his right mind would go in and shop this neighborhood, in spite of the fact that these are beautiful homes and a beautiful neighborhood, because of what is being forced on us without any information on what Carmel, our town that annexed us, is going to do to possibly protect us. I am not asking for Carmel to improve my neighborhood, but for Carmel to consider that these properties are worth something and our neighborhoods are worth something to us! We keep talking about developing things for people that don’t live there now. We keep saying, “If you make it, they will come!” We are already there—I know it will change, but it doesn’t have to go away. I do not choose to move—please don’t destroy my property value! When you are looking at this development, please consider what we have asked for and say “How can we help to improve it with what is going on around it?” You have no right to destroy my property value!

Rebutal, Adrienne Keeling. This plan is by no means something the City is planning to do. Carmel does value these neighborhoods: Chesterton, and all the areas along Kittrell, Maple, and Lincoln. We do know that developers are actively knocking on doors and we would like a plan in place. We look forward to more discussion at Committee.

Department Report, Matt Griffin. The Department is recommending this item be heard at Subdivision Committee along with the Aramore PUD on March 30, 2006.

#### Commission Comments:

Mark Rattermann: No one is rezoning any property here. What we are looking at is planning. Mark said he also has concerns, but first and foremost, there must be a plan and that is what is being talked about this evening. This does not mean the City will demolish any houses—they are not even going to buy any houses. We need a master plan so that when a developer comes in, we don’t end up with a patchwork quilt of development that was never anticipated. This is a PLAN. There is no eminent domain here—this is not moving anybody out—the only way that happens is if someone throws a lot of cash at you. This is not changing neighborhoods.

Kevin Heber commented that Carmel was lucky to have some vision and some plan. The art of urban planning has been lost over the years and Kevin was happy to see that this is a part of reviving the lost art in some form. The alternative to having a vision is having no vision.

John Molitor suggested forming a separate committee to look at the Westfield and 96<sup>th</sup> Street neighborhood plan in view of the workload of both Committees. Committee members would not necessarily be members of the Commission.

Madeleine Torres questioned how the Committee would be established, who would be in charge of assigning people, what about the logistics of the appointments?

Jerry Chomanczuk said he would be interested in knowing the commentary from the original steering committee. Jerry asked that the members of the Special Studies Committee submit any questions or comments to the Subdivision Chair.

Leo Dierckman said he would hesitate to form a separate committee to study this item and wanted to stay within the current, stated committee structure. We may be hasty in changing the rules for one particular project.

**Docket No. 06020017 CPA, 96<sup>th</sup> & Westfield Neighborhood Plan** was forwarded to the Subdivision Committee for further study on Thursday, March 30, 2006 at 6:00 PM.

The Commission then took a 10-minute recess.

## **I. Old Business**

11. **Docket No. 05050003 Z: Fortune Rezone CONTINUED TO APR. 18**  
The applicant seeks to rezone 43.6 acres from S1 to PUD for the purpose of developing a site with single family homes, townhomes, and limited commercial uses. The site is located at 2555 W 131<sup>st</sup> Street and is zoned S1.  
Filed by Charlie Frankenberger for Indiana Land Development Corp.
21. **Docket No. 05120018 DP/ADLS: Old Meridian Professional Building (Pinnacle Pointe)**  
The applicant seeks to create a 2 story, 19,526 sq.ft. medical office building on 2.44 ac.  
The site is located at 12065 Old Meridian St. and is zoned B6 within the US 31 Overlay.  
Filed by Kevin Roberts of DeBoy Land Development for Allen Commercial Group.

Paul Reis, attorney with Bose, McKinney & Evans, 600 East 96<sup>th</sup> Street, Suite 500 appeared before the Commission representing the applicant. Also in attendance: Kevin Roberts, DeBoy Land Development, and Bob Wildman, Allen Commercial Group.

This project was reviewed by the Special Studies Committee on March 7<sup>th</sup> and March 16. The primary issue under review was the landscape plan. Those issues have been resolved and Scott Brewer has now approved the landscape plan.

All other issues have been addressed; however, there are some minor, technical drainage issues. The petitioner is continuing to work with the City Engineer and those issues will be resolved prior to any building permit being issued.

Department Report, Matt Griffin: All outstanding issues with this petition have been addressed. The Department is recommending approval of this Docket.



Special Studies Committee Report, Leo Dierckman said the Committee had reviewed this item on two separate occasions and have voted 3-0 to approve this particular plan. This is a difficult site to work with.

Leo Dierckman made formal motion to approve **Docket No. 05120018 DP/ADLS, Old Meridian Professional Building (Pinnacle Pointe)** seconded by Madeleine Torres, **APPROVED 9-0.**

**3I Docket No. 06010002 Z: Old Meridian Place Rezone**

The applicant seeks to rezone 3.084 acres from Old Meridian Single Family Attached (OM/SFA) to Old Meridian Mixed Use (OM/MU) for the purpose of creating mixed use structures along Old Meridian Street. This project is in conjunction with the proposed Old Meridian Place development.

The site is located at 12852 Old Meridian Street and is zoned OM/SFA.

Filed by Lawrence Kemper of Nelson and Frankenberger for Centex Homes.

**NOTE: Heard with Item 6H under Public Hearings**

Forwarded to City Council with a positive recommendation 9-0.

**4I Docket No. 06010007 DP/ADLS: Gateway Pavilion**

The applicant seeks Development Plan, Architectural Design, Lighting, and Signage approval for 6.98 acres, for the purpose of creating a proposed retail development..

The site is located at 11000 North Michigan Road and is zoned B3/Business.

Filed by Joseph Calderon of Bose McKinney & Evans for Heritage RDG, LLC.

Joe Calderon, attorney with Bose McKinney & Evans, 600 E 96<sup>th</sup> Street appeared before the Commission representing the applicant. This Docket relates to about one-third of an overall project located at 11000 North Michigan Road. The portion of this project that is under the jurisdiction of Carmel relates to the entry and parking facilities.

The petitioner appeared before the Subdivision Committee for review and all issues have been addressed. Connectivity has now been provided from Michigan Road to the site. The petitioner has also added a Gazebo feature towards the front of the project in an effort to address the maximum front yard as set forth in the 421 Overlay Ordinance.

The petitioner has also been working with the Town of Zionsville where two-thirds of this project is located. Zionsville has tabled their portion of this item to May 15, 2006. As a result, a commitment has been added which states that the petitioner will not develop the entry and parking lot without approval of an overall project.

Drawings of the Gazebo feature were shown. The features of the Gazebo match the design requirements under the 421 Overlay.

At this time, the petitioner is requesting approval of this Docket.

Department Report, Matt Griffin: This petition will require a variance to permit it to move forward. The 421 Overlay requires that buildings be set back no farther than 120 feet from the right-of-way. In some manner, the petitioner has tried to mitigate that with the placement of the Gazebo. However, at this time, the Department is recommending approval with the understanding that a variance is required. If there is no real function to the Gazebo, it might look odd to have it placed at the right-of-way.

Joe Calderon said the Gazebo is tied in with the pedestrian connectivity to sidewalks and will be functional. The Gazebo also qualifies as a building or structure under the 421 Overlay Ordinance so that it mitigates or obviates the need to have a variance under 421.

Committee Report, Rick Ripma: The Gazebo was Dan Dutcher's idea and it does add character to the project. There is a problem with the building setback, however the petitioner is caught between Carmel and Zionsville and there are issues. Dan Dutcher felt strongly that the Gazebo would add character to the area and would be useable. This will be the only building along Michigan Road that is all parking lot up to the building.

Kevin Heber said the Gazebo is a functional feature for persons that bike/walk and is a "pocket park."

John Molitor suggested that the Plan Commission defer to BZA—wait and see what they do with the variance request before it decides whether or not it wants to approve this particular layout.

Mark Rattermann said he would like to move this on. Dealing with two jurisdictions is difficult. As far as the Gazebo goes, if the building is not built, this could be a park/ride facility some day.

Jerry Chomanczuk asked about the open issues with the landscape plan and the Urban Forester.

Matt Griffin responded that the landscape issues are being resolved. The number of plantings is fine, it was a species issue, and the petitioner is willing to correct that in the plan. The Department feels comfortable moving this Docket forward with the understanding the petitioner will "swap out" the species.

Mark Rattermann made formal motion to approve Docket No. 06010007 DP/ADLS, Gateway Pavilion, subject to the final approval of the Urban Forester and including the addenda that specifies that the Plan Commission is only approving the parking lot subject to Zionsville approving the building, seconded by Rick Ripma and Approved 9-0.

**5I Docket No. 06030009 OA: Use Table Amendment**

The applicant seeks to amend the Zoning Ordinance in order to amend the Schedule of Uses in Appendix A.

Filed by the Carmel Department of Community Services.

Adrienne Keeling appeared before the Commission representing the petitioner. The Use Table Amendment was formerly a part of the Michigan Road Amendment. These two items are now separate and the Michigan Road Amendment remains at the Committee level. The Use Table Amendment was voted out of Subdivision Committee with a favorable recommendation.

The Department proposes to remove several uses that are re-classified under General Retail and General Service that were only seemingly allowed in the Old Meridian Mixed Medical District. The proposal allows General Retail in the B-5 District, General Service in B-5 and Old Meridian Mixed Medical; allow restaurants without drive-through facilities in the B-7, and move commercial parking lots from the Miscellaneous category of the Table to the Transportation and Communication Category and add private parking areas as an accessory use to Transportation and Communication categories.

The changes are as they were presented at the public hearing at the last Plan Commission meeting—they were only separated from the Michigan Road Amendment.

Department Comments, Matt Griffin. The Department is recommending forwarding to the City Council with a positive recommendation.

Rick Ripma reported for the Subdivision Committee and concurred with comments made by Adrienne and the Department.

Rick Ripma made formal motion to **forward Docket No. 06030009 OA, Use Table Amendment** to the **City Council** with a positive recommendation, seconded by Leo Dierckman, Approved 9-0.

**6I Docket No. 05120002 OA: Z-486-06, as amended (as amended by City Council) Patch VI – Ordinance Amendment**

The applicant seeks to Amend Chapter 6: Standards of Design and Chapter 9: Plat Certificates, Deed of Dedication of the Carmel Subdivision Control Ordinance.

The applicant seeks to Amend Chapter 3: Definitions; Chapter 5: S-1/Residence District; Chapter 23F: Carmel Drive - Range Line Road Overlay Zone; Chapter 25: Additional Use Regulations and Chapter 25.07: Sign Ordinance of the Carmel Zoning Ordinance.

Filed by the Carmel Department of Community Services.

Adrienne Keeling appeared before the Commission representing the applicant. This item, named Patch VI, went through the Plan Commission and forwarded to the City Council. However, due to some amendments made at the City Council level, it was returned to the Commission for final approval.

The packet contains language that has been clarified and amended by the Council and is recommended for approval at this time.

Department Comments, Matt Griffin: Nothing further at this time.

Mark Rattermann noted that these are relatively small changes in the Amendment.

Carol Schleif asked about the language regarding obstruction for pedestrian access at gated communities.

Rick Ripma responded that there would be no gate on the pedestrian access.

Mark Rattermann made formal motion to approve Docket No. 05120002 OA, Z-486-06, as amended (as amended by City Council) Patch VI – Ordinance Amendment, seconded by Leo Dierckman, Approved 8 in favor, one opposed (Ripma.)

## **J. New Business**

### **1J Docket No. 06020015 ADLS: Evan Lurie Building – Parcel 21**

The applicant seeks to create a 4 story mixed use building on .14 acres.

The site is located at 30 West Main St. and is zoned B1 within the Old Town Overlay

Filed by Kevin Sellers of CSO Schenkel Shultz for the Carmel Redevelopment Commission.

Mike Hollibaugh, Director of Communtiy Services appeared before the Commission representing the applicant. Also present was Les Olds, Director of the Carmel Redevelopment Commission.

This building is four-stories and contains 29,000 square feet. The first two floors are art gallery/commercial use and the top two floors contain four, two-story condominiums. The first floor retail has clear glass, a Main Street entrance and a secondary entrance off of the pedestrian access between it and the building to the east. The first floor square footage is 3,600 square feet; the second floor is 6,300 square feet.

The exterior building materials are brick and cast stone and will be a beautiful addition to the Arts & Design district, downtown area.

Department Report, Matt Griffin. The Department is recommending waiving the Rules of Procedure and forward this on to the City Council as opposed to sending it to Special Studies Committee. The B-1 District does not require DP/ADLS approval—this proposal is ADLS only.

Jerry Chomanczuk asked what percentage of the building is actually an art gallery.

Mike Hollibaugh responded that the first and second floors are gallery space.

There was discussion about waiving the Rules on this proposal without having seen or reviewed the materials and proposal in depth. Most all petitioners would be required to furnish building elevations, construction materials, building height, etc for review.

Mike Hollibaugh stated that the B-1 district does have a height limitation and the petitioner has applied to the BZA for a variance.

John Molitor suggested that if this item is sent to Committee, that the Committee be given the authority to render final approval rather than having this item return to the full Commission.

Mark Rattermann made formal motion to suspend the Rules of Procedure and vote on Docket No. 06020015 ADLS, Evan Lurie Building this item this evening, seconded by Leo Dierckman. The vote was 5 in favor, 4 opposed (Chomanczuk, Ripma, Schleif, Torres) MOTION DENIED.

Mark Rattermann made formal motion to forward Docket No. 06020015 ADLS, Evan Lurie Building – Parcel 21 to the Special Studies Committee for further review on March 30, 2006 with final authorization for approval.

**K. Executive Committee will meet at 5:30 PM prior to Committees on March 30**

There was no further business to come before the Commission and the meeting adjourned at 10:10 PM.

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Jerry Chomanczuk, President

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Ramona Hancock, Secretary